

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

WENDY MEDBOURN	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:20-cv-916
	)	
PEKIN INSURANCE,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendant, Pekin Insurance (“Pekin”), by counsel, for its Notice of Removal of this lawsuit to the United States District Court states:

1. Pekin is the Defendant and Wendy Medbourn is the Plaintiff in a lawsuit commenced in the Starke County Circuit Court on September 21, 2020, designated as Cause No. 75C01-2009-CT-000020 (the “Lawsuit”).
2. Pekin was served the Complaint and Summons by certified mail on or about September 28, 2020.
3. The Lawsuit is a civil action alleging that Pekin breached its insurance policy which insured real estate owned by Plaintiff.
4. Pekin is an insurance company organized under the laws of the State of Illinois, with its principal place of business in Pekin, Illinois. According to the Lawsuit, Plaintiff is a resident of 308 Main Street, North Judson, Starke County, Indiana. No change in the state of incorporation or the principal place of business of Pekin has occurred since the commencement of the Lawsuit and Pekin knows of no such change for Plaintiff.

5. The amount in controversy exceeds the sum of \$75,000. Plaintiff's Complaint does not state the amount Plaintiff is claiming as damages for the dwelling located at 308 Main Street, North Judson, Indiana. On October 22, 2020, Counsel for Defendant emailed Plaintiff's counsel asking if Plaintiff was seeking damages in excess of \$75,000. Plaintiff's counsel responded that he would respond on October 26, 2020. No response has been received. See emails attached as Exhibit A.

Plaintiff is also claiming that Pekin acted in bad faith and is seeking to recover punitive damages. While Pekin does not believe it acted in bad faith, or that Plaintiff can establish or prove by clear and convincing evidence the necessary basis for recovery of punitive damages, nonetheless, the claim for punitive damages may be considered in determining the jurisdictional amount. *Anthony V. Sec. Pac. Fin. Servis, Inc.*, 75 F.3d 311, 315 (7<sup>th</sup> Cir. 1996).

6. The Lawsuit is within this Court's original jurisdiction pursuant to 28 U.S.C. Subsection 1332, by reason of the diversity of citizenship of the parties and the amount in controversy.
7. This Lawsuit is properly removed to this Court pursuant to 28 U.S.C. Subsection 1441 and 28 U.S.C. 1446 (b) (1) and (c), in that Plaintiff is a resident and citizen of the State of Indiana and Defendant is an Illinois corporation and has its principal place of business in the State of Illinois.
8. This Notice is being filed within thirty (30) days of Pekin's first notice of the Lawsuit.
9. This Notice is accompanied by copies of the Chronological Case Summary, Appearance of Counsel, Complaint, Summons, and Certificate of Issuance of Service, which are all

process, pleadings, and orders served upon Pekin in this action. See documents attached as Exhibit B.

10. Pekin has served counsel for Plaintiff this Notice of Removal with all exhibits. See Notice of Filing of Removal attached as Exhibit C.

11. Pekin has filed Notice of this Removal with the Starke County Circuit Court No. 1 as shown by the Certificate of Filing attached as Exhibit D.

12. This Notice is signed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

**WHEREFORE**, Defendant, Pekin, by counsel, notifies the Court of the removal of this action from the Starke County Circuit Court.

Respectfully submitted,

McCLURE McCLURE & DAVIS

/s/ Grover B. Davis  
Grover B. Davis  
Attorney at Law

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2020, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

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/s/ Grover B. Davis  
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